

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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JACQUELINE A. MORMILE,

Plaintiff,

19-cv-08450-LTS

-against-

**NOTICE OF MOTION
TO REMAND TO
STATE COURT**

ACCURATE DIAGNOSTIC LABS, INC., RUPEN
PATEL, Individually and as Owner, Member, Shareholder,
Agent, and/or Chief Executive Officer of ACCURATE
DIAGNOSTIC LABS, INC., JOHN NORTON,
Individually and as Vice President of Sales of
ACCURATE DIAGNOSTICS LABS, INC., NICK
MELCHIORRE, Individually and as Vice President
And/or General Manager of ACCURATE
DIAGNOSTICS LABS, INC. and, JOHN DOES 1-5,

Defendants

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S I R or M A D A M :

PLEASE TAKE NOTICE THAT, upon the accompanying Declaration of Mary E. Marzolla, Esq., dated September 30, 2019, the accompanying Memorandum of Law dated September 30, 2019, and all prior pleadings and proceedings herein, Plaintiff moves this Court for an order, pursuant to 28 U.S.C. § 1441, remanding this action to its original forum, the New York State Supreme Court, Rockland County, New York, and an award of attorneys' fees.

Pursuant to the Hon. Laura Taylor Swain, U.S.D.J.'s Individual Practices provision A., 2., b., moving party has previously used best efforts to resolve informally the matters raised in its submission but have not been able to reach an amicable resolution.

Dated: South Nyack, New York
September 30, 2019

FEERICK NUGENT MacCARTNEY PLLC

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Attorneys for Plaintiff

To: All Counsel (via ECF)